

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x Civil No.: 1:22-cv-05293
LLOYD SUTRABAN, :
Plaintiff, :
: :
-against- : **NOTICE OF REMOVAL**
: :
JOHN WORSLEY and CLEAN HARBORS :
ENVIRONMENTAL SERVICES, INC. D/B/A QUEEN :
HARBORS ENVIRONMENTAL SERVICES INC., :
: :
Defendants. :
----- x

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

PLEASE TAKE NOTICE that defendants, JOHN WORSLEY and CLEAN HARBORS ENVIRONMENTAL SERVICES, INC., *i/s/h/a* CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. D/B/A QUEEN HARBORS ENVIRONMENTAL SERVICES, INC., (hereinafter also referred to as "CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.") by and through its undersigned counsel, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, respectfully submits its Notice of Removal of this action from the Supreme Court of New York, County of Queens, in which this action is pending, to the United States District Court for the Eastern District of New York, being the district embracing the place where the action is pending. In support of its Notice of Removal, defendants state as follows:

1. On or about April 26, 2022, plaintiff filed a lawsuit in the Supreme Court of New York, County of Queen, under Index No. 709036/2022. A true and complete copy of plaintiff's Summons and Complaint is attached hereto and made a part hereof as **Exhibit "A"**.

2. Plaintiff's Summons and Complaint was served on JOHN WORSLEY, via certified mail to JOHN WORSLEY's residence at 327 Stuyvesant Avenue, Newark, New Jersey 07106 on May 23, 2022.

3. Plaintiff's Summons and Complaint was served on CLEAN HARBORS ENVIRONMENTAL SERVICES, INC., *i/s/h/a* CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. D/B/A QUEEN HARBORS ENVIRONMENTAL SERVICES, INC., through the CT Corporation System, on August 17, 2022.

4. Defendant, JOHN WORSLEY, was at the time of filing of the commencement of the original action in State Court, a citizen, resident and domiciliary of the State of New Jersey.

5. Defendant, JOHN WORSLEY, is at the time removal is sought from State Court to Federal Court, a citizen, a resident and domiciliary of Newark, New Jersey.

6. Defendant CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. is a Foreign Business Corporation incorporated in the State of Massachusetts.

7. Defendant CLEAN HARBORS ENVIRONMETAL SERVICES, INC.'s principal place of business is located at 42 Longwater Drive, Norwell, Massachusetts 02061.

8. Defendant CLEAN HARBORS ENVIRONMETAL SERVICES, INC. was at the time of the commencement of the original action in State Court, a foreign business corporation organized under the laws of the State of Massachusetts and had its principal place of business in Massachusetts.

9. Defendant CLEAN HARBORS ENVIRONMETAL SERVICES, INC. is at the time removal is sought from State Court to Federal Court, a foreign business corporation organized under the laws of the State of Massachusetts and has its principal place of business in Massachusetts.

10. Plaintiff, LLOYD SUTRABAN, was at the time of filing of the commencement of the original action in State Court a citizen, resident and domiciliary of Queens County, New York.

11. Plaintiff, LLOYD SUTRABAN, is at the time removal is sought from State Court to Federal Court, a citizen, a resident and domiciliary of Queens County, New York.

12. This Notice of Removal is timely filed in that the Notice of Removal was filed within thirty (30) days of the defendant CLEAN HARBORS ENVIRONMETAL SERVICES, INC. first receiving a copy of plaintiff's Summons and Complaint. 28 U.S.C. §1446(b).

13. Defendant, JOHN WORSLEY consents to removal pursuant to 28 U.S.C. §1446(b)(2)(C).

14. A copy of this Notice of Removal will be filed with the Clerk of the Supreme Court of New York, County of Queens, and served on all parties as required by 28 U.S.C. §1446(d).

15. This Court has original jurisdiction over this action because there is complete diversity between the parties under 28 U.S.C. §1332(a), and this action is removable to this Court pursuant to 28 U.S.C. §1441(a)-(b).

16. In his Complaint, plaintiff LLOYD SUTRABAN seeks judgment for personal injuries allegedly sustained on December 22, 2020, as a result of a motor vehicle accident allegedly involving plaintiff and the vehicle owned by defendant CLEAN HARBORS ENVIRONMETAL SERVICES, INC. and operated by defendant JOHN WORSLEY.

17. There is complete diversity of citizenship between the plaintiff and the defendants in this action because the plaintiff alleges that he is a resident of Queens County, New York and, thus, a citizen of the State of New York at the time of the commencement of the action in State Court and at the time removal is sought from State Court to Federal Court. See Exhibit "A", plaintiff's Summons and paragraph 1 of plaintiff's Complaint.

18. Additionally, Defendant CLEAN HARBORS ENVIRONMETAL SERVICES, INC. is a citizen of the State of Massachusetts where it is incorporated and a citizen, resident and domiciliary of the State of New Massachusetts where it has its principal place of business at the time of the commencement of the action in State Court and at the time removal is sought from State Court to Federal Court.

19. And Defendant, JOHN WORSLEY, is a citizen, resident and domiciliary of the State of New Jersey at the time of the commencement of the action in State Court and at the time removal is sought from State Court to Federal Court.

20. Furthermore, upon information and belief, plaintiff's amount in controversy exceeds the \$75,000 threshold exclusive of interests and costs. In his Complaint, plaintiff alleges he sustained serious injuries as defined by New York Insurance Law. Accordingly, there exists original jurisdiction in the District Court of the United States as provided in 28 U.S.C. Section 1332. No party to the Action will be prejudiced by removing this Action.

21. No prior similar relief has been sought from this Court.

22. Concurrent with the filing of service and Notice of Removal, defendants are serving the Notice of Removal upon the plaintiff's attorney and filing a copy of the Notice of Removal with the Clerk of the Court for the Supreme Court of the State of New York, County of Queens.

23. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, defendants JOHN WORSLEY and CLEAN HARBORS ENVIRONMENTAL SERVICES, INC. respectfully requests that this action be removed from the Supreme Court of New York, Queens County to the United States District Court, Eastern District of New York pursuant to 28 U.S.C. §1441, and that this Court assume jurisdiction of this action and issue such further orders and processes as may be necessary to bring before it all parties

necessary for the trial.

Dated: Harrison, New York
September 6, 2022

Respectfully Submitted,

GORDON REES SCULLY
MANSUKHANI, LLP

By: 

Michael J. Schacher, Esq. (MS-3434)
Attorneys for Defendants
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VIA US MAIL TO:

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